

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:17-cv-00252-MR-WCM**

LOANN MEEKINS, as Guardian Ad)
Litem for T.W.,)
)
Plaintiff,)
)
vs.)
)
SHANE DAVIS and THE CITY OF)
KINGS MOUNTAIN,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court *sua sponte*.

This action commenced with the filing of a Complaint by T.W., through her next friend Kristena Wilson. [Doc. 1]. T.W. was 18 years old at the time but had been diagnosed with autism, anxiety, and narcolepsy. [Id. at ¶¶ 4, 7]. On January 5, 2018, the Magistrate Judge entered an Order requiring that a guardian *ad litem* be appointed for T.W. [Doc. 9]. On March 27, 2018, the Court appointed Loann Meekins (“Meekins”) as guardian *ad litem*. [Doc. 20].

On October 26, 2018, Meekins filed a motion to stay the proceedings on the grounds that a petition had been filed in state court to restore T.W.’s

competency. [Doc. 28]. The Court stayed the matter for a period of sixty (60) days. [See Text-Only Order entered Oct. 26, 2018]. The stay was subsequently extended upon the motion of the parties. [See Text-Only Order entered Dec. 5, 2018; Doc. 31].

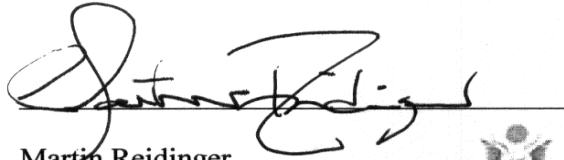
On March 28, 2019, Meekins filed a status report advising that the Clerk of Superior Court for Cleveland County had issued an Order allowing the competency of T.W. to be restored. [Doc. 32]. By a motion filed April 15, 2019, Meekins sought to be released as guardian *ad litem* in this matter. [Doc. 33]. On April 16, 2019, the Magistrate Judge denied that motion without prejudice on the grounds that the motion failed to reflect consultation with opposing counsel and was not supported by a brief. [Doc. 34].

Since the denial of that motion, Meekins has not renewed her motion, nor has the Plaintiff appeared to have made any effort to prosecute the action further against the Defendants.

Accordingly, **IT IS, THEREFORE, ORDERED** that within fourteen (14) days of the entry of this Order, the Plaintiff shall file an appropriate motion or otherwise take further action with respect to this matter. The Plaintiff is advised that failure to take any further action will result in the dismissal of this matter for failure to prosecute.

IT IS SO ORDERED.

Signed: May 19, 2019


Martin Reidinger
United States District Judge

